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March 19, 2019

VIA FOIA ONLINE

National Freedom of Information Officer  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

**Re: Freedom of Information Act Request**

Dear FOIA Officer:

On behalf of the Renewable Fuels Association, I request the following:

1. Every record embodying a final agency determination from EPA under 42 U.S.C. § 7545(o)(9)(B) that a small refiner or refinery is exempt or not exempt from compliance with the requirements of 42 U.S.C. § 7545(o)(2);
2. Every record embodying the Department of Energy's recommendation for every small refinery exemption extension application pursuant to 42 U.S.C. § 7545(o)(9)(B)(ii), including every record received by EPA entitled "DOE Application of the Small Refinery Scoring Matrix for the [NAME OF REFINERY] Refinery for Exemption as an Obligated Party under the Renewable Fuel Standard";
3. Every small refinery exemption scoring matrix prepared by the Department of Energy and sent to EPA to accompany DOE's small refinery exemption extension recommendation memorandum, referenced in request #2, above; an example of which is reproduced in *Ergon-West Virginia, Incorporated v. United States Environmental Protection Agency*, 896 F.3d 600, 608 (4th Cir. 2018);
4. Every record relating to "disproportionate economic hardship," "viability," or refinery operations being "significantly impaired" that was used or created in connection with any final agency determination under 42 U.S.C. § 7545(o)(9)(B);
5. Every record provided by EPA to the Department of Energy or to any Congressional committee, subcommittee, or member office explaining why EPA disagreed with any recommendation from the Department of Energy to approve or deny, partially or fully, any request by a small refiner or refinery

March 19, 2019

Page 2

for an exemption under 42 U.S.C. § 7545(o)(9)(B) from compliance with the requirements of 42 U.S.C. § 7545(o)(2).

The start date of this request is April 4, 2018. The end date of this request is the date when EPA searches for responsive records.

I am requesting that records be provided to me on computer files or, if not maintained on computer files, in the same format as they are currently maintained at EPA. I agree to pay reasonable fees for the records I have requested; including actual costs up to \$500. If you estimate that actual costs will exceed \$500, please contact me so I may arrange for payment. If documents are withheld entirely, I would kindly request that EPA: identify, at the time of document production, any and all material which is withheld; provide a justification for withholding the information, pursuant to 5 U.S.C. § 552(a)(6); and identify the exemption which EPA believes allows the withholding of the requested information.

I appreciate your timely response to this request.

Very truly yours,

*/s/ Bryan M. Stockton*

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Counsel